

ESTTA Tracking number: **ESTTA713263**

Filing date: **12/08/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	WeMash, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	12777 W Jefferson Blvd Suite D-200 Los Angeles, CA 90066 UNITED STATES		

Attorney information	Jessica A. Wood Manatt, Phelps & Phillips LLP 11355 West Olympic Boulevard Los Angeles, CA 90064 UNITED STATES JWood@manatt.com, SWollman@manatt.com, IPDocket@manatt.com Phone:(310) 312-4246
----------------------	--

Registration Subject to Cancellation

Registration No	4757374	Registration date	06/16/2015
Registrant	WEMESH Inc. 340 Brookview Court Ancaster, L9G4C2 CANADA		

Goods/Services Subject to Cancellation


Class 009. First Use: 2015/01/10 First Use In Commerce: 2015/01/10
All goods and services in the class are cancelled, namely: Downloadable mobile software applications for synchronizing multimedia content with audio and text communication; Computer software for synchronizing content between mobile devices


Grounds for Cancellation

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Marks Cited by Petitioner as Basis for Cancellation

U.S. Application No.	86320744	Application Date	06/25/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	WEMASH		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 0 First Use In Commerce: 0 Entertainment services, namely, providing webcasts and online videos in the field of music, sports and entertainment; Providing a website featuring information in the field of music, sports and entertainment; Entertainment services, namely, providing information about music, sports and entertainment via an on-line network

U.S. Application No.	86654939	Application Date	06/08/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	WEMES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 Software and downloadable software to enable users to integrate, edit, combine, modify, enhance, create and display text, graphics, images, photos, moving pictures, music, audio, video, audio-visual materials, and other multimedia content for posting, linking and sharing through electronic messaging and transmission via a global computer network, portable and wireless networks and various platforms across multiple forms of media; Software and downloadable software to enable users to integrate, edit, combine, modify, enhance, create and display text, graphics, images, photos, moving pictures, music, audio, video, audio-visual materials, and other multimedia content that can be stored on and accessed from cloud based systems or remote network servers via a global computer network, portable and wireless networks and various platforms across multiple forms of media; Downloadable software for the integration of text, graphics, images, photos, moving pictures, music, audio, video, audio-visual materials, and other multimedia content into an interactive delivery for multimedia applications; Software and downloadable software for mobile phones, tablet computers, mobile telecommunications devices, mobile digital devices, portable devices, per-		

	<p>sonal communications devices, portable media players, handheld computers and hand-held electronic devices, to send and receive electronic messages, text, graphics, images, photos, moving pictures, music, audio, video, audio-video materials and other multimedia content via global communication networks, portable and wireless networks, and various platforms across multiple forms of media</p> <p>Class 041. First use: First Use: 0 First Use In Commerce: 0</p> <p>Providing an online non-downloadable searchable database of text, graphics, still images, photos, moving pictures, music, audio, video, audio-visual materials, and other multimedia content in the fields of celebrities, news, film, politics, television, political events and affairs, sports, music, history, drama, nature and wildlife, fashion, artistic performances, beauty, science fiction and fantasy for embedding digital content into websites, social media, electronic communications, downloadable and non-downloadable digital content, electronic downloadable publications, and other digital media and design elements of others</p> <p>Class 042. First use: First Use: 0 First Use In Commerce: 0</p> <p>Providing online non-downloadable software, applications and tools to enable users to integrate, edit, combine, modify, enhance, create and display text, graphics, images, photos, moving pictures, music, audio, video, audio-visual materials, and other multimedia content for posting, linking and sharing through electronic messaging and transmission via a global computer network, portable and wireless networks and various platforms across multiple forms of media; Providing online non-downloadable software, applications and tools to enable users to integrate, edit, combine, modify, enhance, create and display text, graphics, images, photos, moving pictures, music, audio, video, audio-visual materials, and other multimedia content that can be stored on and accessed from cloud based systems or remote network servers via a global computer network, portable and wireless networks and various platforms across multiple forms of media; Providing online non-downloadable software for the integration of text, graphics, images, photos, moving pictures, music, audio, video, audio-visual materials, and other multimedia content into an interactive delivery for multimedia applications</p>
--	--

Attachments	<p>86320744#TMSN.png(bytes)</p> <p>86654939#TMSN.png(bytes)</p> <p>2015-12-08 Petition to Cancel - WEMESH (final).pdf(317942 bytes)</p> <p>2015-12-07 Petition to Cancel Exhibits 1-3 (final).pdf(72771 bytes)</p>
-------------	--

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/Jessica A. Wood/
Name	Jessica A. Wood
Date	12/08/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Registration No. 4,757,374

WEMASH, INC. Petitioner, v. WEMESH INC., Registrant.	Cancellation No.: Mark: WEMESH Registration No. 4,757,374 Registered: June 16, 2015
--	--

PETITION FOR CANCELLATION

Petitioner WeMash, Inc. (“WeMash” or “Petitioner”) believes that it is being damaged and will be damaged by U.S. Registration No. 4,757,374 for the mark WEMESH for “Downloadable mobile software applications for synchronizing multimedia content with audio and text communication; Computer software for synchronizing content between mobile devices” in Class 9 (“Registration”). As grounds for cancellation, Petitioner WeMash, upon actual knowledge with respect to itself and its own acts, and information and belief as to other matters, except as stated otherwise, alleges as follows:

1. Petitioner WeMash is a Delaware corporation with its principal place of business at 12777 W Jefferson Blvd, Suite D-300, Los Angeles, California, 90066.

2. Petitioner WeMash is informed and believes, and on that basis alleges that WEMESH Inc. (“Registrant” or “WeMesh”), an Ontario, Canada corporation, having an address of record of 340 Brookview Court, Ancaster L9G4C2 Canada, filed with the U.S. Patent and

Trademark Office (“USPTO”) on or about May 5, 2014 Application No. 86/271,330, on the basis of intent to use under Section 1(b). WeMash is further informed and believes, and on that basis alleges that Application No. 86/271,330 is the underlying application for the Registration, which the USPTO granted on June 16, 2015.

WeMash’s Proprietary Goods, Services and Intellectual Property

3. Among other goods and services, Petitioner WeMash designs, creates, develops, manufactures, promotes, provides and/or distributes innovative software, web-based platforms and applications (“apps”) related to multimedia, videos, entertainment, sports, music, popular culture and more, as well as related services (the “WeMash Goods/Services”).

4. In particular, WeMash is the creator, owner and provider of an app that allows users to access premium video content, which can be edited and integrated with text, graphics and other multimedia content for posting, linking and sharing online and across various social media and communications platforms (the “Wemes App”). The Wemes App supplies users with a collection of video content, including but not limited to a variety of celebrity interviews and performances featuring pop culture icons, much of which is rare, exclusive and never-before-seen footage. Users can customize video clips and other media using various tools provided via the Wemes App to add text, audio recordings, graphics, and more. Users’ resulting multimedia projects, sometimes called video memes or mashups, can be posted on social networks, transmitted directly to others via text message or email, and easily shared in a variety of other ways. The Wemes App has been well-received by the public: it currently has a rating of 4.5 out of 5 stars on Apple, Inc.’s (“Apple”) App Store (see <https://itunes.apple.com/us/app/wemes-create-share-video-memes/id1023485444?mt=8>).

5. WeMash’s Wemes App is available for download on, and has been downloaded from at least Apple’s App Store.

6. In addition, WeMash promotes, advertises and markets the Wemes App on a variety of websites and social media networks nationwide, including but not limited to Instagram, LinkedIn, Facebook, Twitter, and Vine. WeMash encourages users to share their own video memes, mashups and other multimedia content created with the Wemes App by using the hashtags #WEMES and #GotWEMES on social media.

WeMash's Selection and Use of Its Trademarks

7. WeMash is the owner of trademarks which it uses in connection with the WeMash Goods/Services and/or Wemes App including, but not limited to WEMASH™, WEMES™ and WeMash's proprietary W & Design (crown)™ logo (collectively, the "WEMASH Marks").

8. WeMash has owned and operated the domain www.wemash.com (the "WeMash Domain") since at least November 20, 2005. WeMash uses the WeMash Domain to communicate with its customers and advertise positions available with the company.

9. Further, since at least as early as 2009, and continuously to the present, WeMash has used the distinctive WEMASH mark in connection with its business, including but not limited to its innovative and high-quality WeMash Goods/Services.

10. By way of example and without limitation, beginning as early as 2009, the principals of WeMash have actively engaged in developing, advertising and marketing the WeMash Goods/Services in connection with the WEMASH mark, including but not limited to meetings with investors and others to develop WeMash Goods/Services that are marketed, offered and/or distributed under the WEMASH mark. As just one example, WeMash used the WEMASH mark in connection with the development and promotion of an extensive library collection of video content owned and controlled by the WeMash principals, for use on or in

connection with web platforms, apps, software and/or related multimedia and entertainment products and services.

11. From early 2009 and continuing to the present, WeMash has continued to expand the products and services offered under the WEMASH mark, expanding its portfolio to include, without limitation, various entertainment services, videos and information in the fields of music, sports and entertainment over the Internet, and via apps and other distribution platforms.

12. In addition, WeMash has continued to expand its family of “WEMASH” marks used on or in connection with WeMash Goods/Services by creating and using a family of marks derived from its WEMASH mark, including but not limited to WEMES and the W & Design (crown) logo. By way of example and without limitation, WeMash uses its WEMES and/or W & Design (crown) marks in connection with WeMash’s proprietary Wemes App, as well as related goods and services.

13. By virtue of WeMash’s longstanding, prominent and continuous use, as well as the extensive promotion and advertising of the WEMASH Marks, the WEMASH Marks have come to be recognized by the relevant public as identifying the WeMash Goods/Services and WeMash, and have become strong and distinctive in the United States within the meaning of the Lanham Act. Further, WeMash also has developed valuable goodwill in the WEMASH Marks.

14. Moreover, favorable public acceptance and recognition has further established that WeMash’s WEMASH Marks have become assets of substantial value to WeMash, and symbols of the high-quality and associated goodwill of the WeMash Goods/Services.

15. In addition to the common law rights that WeMash has acquired in and to WeMash’s WEMASH Marks due to its longstanding, continuous and extensive use of those marks, WeMash is also the owner of two (2) pending federal trademark applications for its

WEMASH and WEMES marks. Printouts from the USPTO website evidencing these applications are attached as Exhibits 1 and 2, respectively, the particulars of which are summarized below:

Mark and Application No.	Filing Date	Goods/Services
WEMASH App. No. 86/320,744	Filed June 25, 2014	<u>Class 41</u> : Entertainment services, namely, providing webcasts and online videos in the field of music, sports and entertainment; Providing a website featuring information in the field of music, sports and entertainment; Entertainment services, namely, providing information about music, sports and entertainment via an online network (the “WEMASH Application”).

Mark and Application No.	Filing Date	Goods/Services
<p>WEMES</p> <p>App. No. 86/654,939</p>	<p>Filed June 8, 2015</p>	<p><u>Class 9:</u> Software and downloadable software to enable users to integrate, edit, combine, modify, enhance, create and display text, graphics, images, photos, moving pictures, music, audio, video, audio-visual materials, and other multimedia content for posting, linking and sharing through electronic messaging and transmission via a global computer network, portable and wireless networks and various platforms across multiple forms of media; Software and downloadable software to enable users to integrate, edit, combine, modify, enhance, create and display text, graphics, images, photos, moving pictures, music, audio, video, audio-visual materials, and other multimedia content that can be stored on and accessed from cloud based systems or remote network servers via a global computer network, portable and wireless networks and various platforms across multiple forms of media; Downloadable software for the integration of text, graphics, images, photos, moving pictures, music, audio, video, audio-visual materials, and other multimedia content into an interactive delivery for multimedia applications; Software and downloadable software for mobile phones, tablet computers, mobile telecommunications devices, mobile digital devices, portable devices, personal communications devices, portable media players, handheld computers and handheld electronic devices, to send and receive electronic messages, text, graphics, images, photos, moving pictures, music, audio, video, audio-video materials and other multimedia content via global communication networks, portable and wireless networks, and various platforms across multiple forms of media;</p>

Mark and Application No.	Filing Date	Goods/Services
		<p><u>Class 41</u>: Providing an online non-downloadable searchable database of text, graphics, still images, photos, moving pictures, music, audio, video, audio-visual materials, and other multimedia content in the fields of celebrities, news, film, politics, television, political events and affairs, sports, music, history, drama, nature and wildlife, fashion, artistic performances, beauty, science fiction and fantasy for embedding digital content into websites, social media, electronic communications, downloadable and non-downloadable digital content, electronic downloadable publications, and other digital media and design elements of others; and</p> <p><u>Class 42</u>: Providing online non-downloadable software, applications and tools to enable users to integrate, edit, combine, modify, enhance, create and display text, graphics, images, photos, moving pictures, music, audio, video, audio-visual materials, and other multimedia content for posting, linking and sharing through electronic messaging and transmission via a global computer network, portable and wireless networks and various platforms across multiple forms of media; Providing online non-downloadable software, applications and tools to enable users to integrate, edit, combine, modify, enhance, create and display text, graphics, images, photos, moving pictures, music, audio, video, audio-visual materials, and other multimedia content that can be stored on and accessed from cloud based systems or remote network servers via a global computer network, portable and wireless networks and various platforms across multiple forms of media; Providing online non-downloadable software for the integration of text, graphics, images, photos, moving pictures, music, audio, video, audio-visual materials, and other multimedia content into an interactive delivery for multimedia applications” (the “WEMES Application”).</p>

16. WeMash owns the common law trademarks WEMASH and WEMES, which are valid and subsisting, as well as the WEMASH Application and the WEMES Application (together, “the Applications”). WeMash’s WEMASH and WEMES marks are inherently distinctive and/or have acquired distinctiveness through secondary meaning, and are uniquely associated with WeMash in the minds of consumers.

Registrant’s Wrongful and Infringing Conduct

17. WeMash is informed and believes, and on that basis alleges that Registrant WeMesh creates, develops, manufactures, markets, distributes, displays, uses and/or sells multimedia and entertainment software and/or apps for the Apple iPhone and/or iPad, including but not limited to its WeMesh App (the “WeMesh App”) that allows users to synchronize their mobile devices in order to watch videos together, while simultaneously communicating with each other either via text messaging or VoIP (the “WeMesh Goods/Services”).

18. WeMash is informed and believes, and on that basis alleges that Registrant WeMesh markets, distributes and/or sells the WeMesh App through its website, <http://weme.sh/>, and through Apple’s App Store, among other sources, including Facebook, Twitter, Pinterest, Instagram and LinkedIn.

Registrant Does Not Own A Valid Trademark

19. WeMash is informed and believes, and on that basis alleges that on or about May 5, 2014, over four years after WeMash’s first use of any of the WEMASH Mark(s), Registrant WeMesh filed an intent-to-use application with the USPTO for WEMESH, Application No. 86/271,330 (the “WEMESH Application”), for the same or related goods/and or services already offered by WeMash.

20. According to the USPTO records, Registrant WeMesh filed a statement of use with respect to the WEMESH Application on or about March 12, 2015, alleging a first use date

of January 10, 2015, and the Registration, U.S. Trademark Registration No. 4,757,374, was issued on June 16, 2015. A printout from the USPTO website evidencing the Registration is attached as Exhibit 3, the particulars of which are summarized below:

Mark, Application No. & Registration No.	Filing Date	Goods/Services & Alleged First Use Date
WEMESH App. No. 86/271,330 Reg. No. 4,757,374	Filed May 5, 2014 Registered June 16, 2015	<u>Class 9</u> : Downloadable mobile software applications for synchronizing multimedia content with audio and text communication; Computer software for synchronizing content between mobile devices First use: January 10, 2015

21. The goods that Registrant WeMesh intended to provide, and/or has provided under the WEMESH mark, including but not limited to those goods listed in the Registration, appear to be commercially related to, confusingly similar to, and compete with the goods and services already offered by WeMash under the WEMASH Marks. In addition, it appears that the goods and/or services that Registrant WeMesh intended to provide, and/or has provided under the WEMESH mark, including but not limited to those goods listed in the Registration are, or potentially will be, offered broadly to the same class of consumers as the consumers of WeMash's Goods/Services under the WEMASH Marks, through the same and/or overlapping channels of trade.

22. Further, Registrant WeMesh's WEMESH mark is confusingly similar to WeMash's WEMASH and WEMES marks. First, WeMash's WEMASH Mark only differs from WEMESH by one letter, namely the letter "A" is replaced by an "E." Likewise, WeMash's WEMES mark only differs from WEMESH by one letter, namely the "H." Not only are "WEMASH" and "WEMES" completely arbitrary as applied to the WeMash Goods/Services,

but “WEMASH” and “WEMES” are fanciful words, entitled to the strongest and most broad protection.

23. Registrant WeMesh has admitted that its WEMESH mark and Petitioner’s WEMASH Marks are similar and there is a likelihood of confusion, as well as instances of actual confusion:

Our client has recently become aware of WeMash, Inc.'s ("WMI") use of the "WEMASH" and "WEMES" marks. Given the similarity in the marks themselves, the use of the marks, and the types of goods and services offered, there is confusion as to the source and origin of the goods and services that WMI provides. In fact, WeMesh first became aware of your use of the "WEMASH" and "WEMES" marks because of recent instances of actual confusion between the entities, in social media, which underscores the importance to resolve this matter for both parties.

24. Registrant WeMesh also admitted that the parties’ goods and services are offered to the same class of consumers and through the same channels of trade:

WeMesh also has serious concerns in respect of the pending U.S. trademark applications applied for by WMI. These applications clearly illustrate the overlap in the goods proposed to be offered by WMI and our client's goods and services in the United States. Finally, your company's proposed video messenger system is in direct competition with our client's software and mobile technology application. As such, it is clear that your company is or will be targeting the same or similar consumer base as WeMesh, with the same offering of goods in the software and Internet space.

25. Registrant WeMesh is not licensed or authorized by Petitioner WeMesh to use the WEMASH Marks, its WEMESH mark, or any colorable imitations thereof, in connection with the manufacture, marketing, distribution, display and/or sale of multimedia and/or entertainment software and/or apps, or otherwise.

26. WeMesh has been using its WEMASH mark in connection with the WeMesh Goods/Services since at least 2009, well before the May 5, 2014 filing date of Registrant WeMesh’s WEMESH Application or Registrant WeMesh’s alleged first use date of January 10, 2015 for WEMESH, and thus WeMesh has priority of use.

27. Registrant WeMesh’s marketing, distribution and/or sale of products bearing colorable imitations of marks used on and in connection with the WeMesh Goods/Services, is

likely to deceive, confuse and mislead consumers and prospective consumers into believing that the WeMesh Goods/Services distributed by Registrant WeMesh are manufactured by, authorized by, or in some manner associated with WeMesh, when they are not. The likelihood of confusion, mistake and deception engendered by Registrant WeMesh's misappropriation of WeMesh's trademarks is causing irreparable harm to the goodwill symbolized by these marks and the reputation for quality that they embody. On information and belief, Registrant WeMesh continues to market, distribute and/or sell WeMesh Goods/Services that compete with the multimedia and/or entertainment software and/or apps created, manufactured and distributed by WeMesh.

28. WeMesh is informed and believes, and on that basis alleges that Registrant WeMesh willfully, intentionally and maliciously adopted and used colorable imitations of WeMesh's WEMASH Marks, in connection with its WeMesh Goods/Services, that are likely to cause confusion, to cause mistake or to deceive.

29. WeMesh is informed and believes, and on that basis alleges that Registrant WeMesh is aware of WeMesh's business activities in the music, entertainment, multimedia and technology industries.

FIRST CLAIM FOR RELIEF

(Petition to Cancel Based On Likelihood of Confusion, 15 U.S.C. §§ 1052(d), 1064(1))

30. Petitioner WeMesh realleges and incorporates each and every allegation contained in the above paragraphs, by reference as though fully set forth herein.

31. The mark shown in the Registration so resembles Petitioner WeMesh's WEMASH mark previously used by Petitioner WeMesh, and not abandoned, as to be likely, when used on or in connection with the goods identified in the Registration, to cause confusion or mistake, or to deceive. As Petitioner WeMesh has priority of use, Registrant's mark should be

cancelled under §2(d) and §14(1) of the United States Trademark Act, 15 U.S.C. §§ 1052(d), 1064(1).

32. Petitioner WeMash has been damaged, and will be damaged by the continued registration of the mark shown in the Registration because such Registration gives, and will give Registrant prima facie evidence of ownership of and the exclusive right to use a mark that so resembles Petitioner WeMash's previously-used and not-abandoned marks, in derogation of Petitioner WeMash's rights in its marks.

SECOND CLAIM FOR RELIEF
(Petition to Cancel Based On False Suggestion of a Connection,
15 U.S.C. §§ 1052(a), 1064(1))

33. Petitioner WeMash realleges and incorporates each and every allegation contained in the above paragraphs, by reference as though fully set forth herein.

34. The mark shown in the Registration falsely suggests a connection between Petitioner WeMash and Registrant, and Registrant's mark is thus unregistrable and subject to cancellation under §2(a) and §14(1) of the United States Trademark Act, 15 U.S.C. §§ 1052(a), 1064(1).

35. Petitioner WeMash's first use of the WEMASH mark predates the filing date of Registrant's Registration for WEMESH and, Petitioner is informed and believes any date of first use that may be alleged by Registrant.

36. Petitioner WeMash has been damaged, and will be damaged by the continued registration of the mark shown in the Registration because such registration gives, and will give Registrant prima facie evidence of ownership of and the exclusive right to use a mark that falsely associates Registrant's goods with Petitioner WeMash.

//

//

WHEREFORE, Petitioner WeMash believes that it is being damaged, and will be damaged, by the continued registration of the mark shown in the Registration, and requests that this petition be sustained, and that Registration be cancelled.

Respectfully submitted,

Dated: December 8, 2015

By: /Jessica A. Wood/
Shari Mulrooney Wollman, Esq.
Jessica A. Wood, Esq.
Manatt, Phelps & Phillips LLP
11355 West Olympic Boulevard
Los Angeles, CA 90064
Telephone: (310) 312-4000
Facsimile: (310) 312-4224

Attorneys for Petitioner
WEMASH, INC.

CERTIFICATE OF SERVICE

I hereby certify that I served a true and complete copy of the foregoing **PETITION FOR CANCELLATION** upon owner of record for the Registration by depositing one copy thereof via overnight courier, postage prepaid, on December 8, 2015, addressed as follows:

WEMESH Inc.
340 Brookview Court
Ancaster CANADA L9G4C2

With a copy to counsel of record for Registrant, by depositing one copy thereof via overnight courier, postage prepaid, on December 8, 2015, addressed as follows:

Lorelei G. Graham
Norton Rose Fulbright Canada LLP
Research Park Centre, 150 Research Lane
Suite 205
Guelph Canada N1G4T2
Phone: (416) 202-6739
Fax: (416) 216-3930
Counsel of record for Registrant
WEMESH Inc.

/Jessica A. Wood/

Jessica A. Wood

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this paper is being filed with the United States Patent and Trademark Office via the Electronic System for Trademark Trial and Appeals (ESTTA) on December 8, 2015.

/Jessica A. Wood/

Jessica A. Wood

Exhibit 1

Generated on:

This page was generated by TSDR on 2015-12-07 23:02:49 EST

Mark: WEMASH

WEMASH

US Serial Number: 86320744

Application Filing Date:

Jun. 25, 2014

Register:

Principal

Mark Type:

Service Mark

Status:

A first request for extension of time to file a Statement of Use has been granted.

Status Date:

Jun. 29, 2015

Publication Date: Nov. 25, 2014

Notice of Allowance Date:

Jan. 20, 2015

Mark Information

Mark Literal Elements:

WEMASH

Standard Character Claim:

Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type:

4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For:

Entertainment services, namely, providing webcasts and online videos in the field of music, sports and entertainment; Providing a website featuring information in the field of music, sports and entertainment; Entertainment services, namely, providing information about music, sports and entertainment via an online network

International Class(es): 041 - Primary Class

U.S Class(es):

100, 101, 107

Class Status:

ACTIVE

Basis:

1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name:

WeMash, Inc.

Owner Address:

11271 Ventura Blvd.
602
Studio City, CALIFORNIA UNITED STATES 91604

Legal Entity Type: CORPORATION

**State or Country Where
Organized:**

DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Elizabeth M. Seltzer

**Attorney Primary Email
Address:** eseltzer@driscollseltzer.com

**Attorney Email
Authorized:**

Yes

Correspondent

**Correspondent
Name/Address:**

ELIZABETH M. SELTZER
DRISCOLL & SELTZER, PLLC
300 N WASHINGTON ST STE 304
ALEXANDRIA, VIRGINIA UNITED STATES 22314-2530

Phone: 703-822-5001

Fax:

703-997-4892

Correspondent e-mail: eseltzer@driscollseltzer.com

**Correspondent e-mail
Authorized:**

Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 01, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 29, 2015	EXTENSION 1 GRANTED	98765
Jun. 29, 2015	EXTENSION 1 FILED	98765
Jun. 29, 2015	TEAS EXTENSION RECEIVED	
Jan. 20, 2015	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 25, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 25, 2014	PUBLISHED FOR OPPOSITION	
Nov. 05, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 23, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
Oct. 22, 2014	ASSIGNED TO LIE	69712
Oct. 01, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 01, 2014	EXAMINER'S AMENDMENT ENTERED	88888
Oct. 01, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Oct. 01, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Oct. 01, 2014	EXAMINERS AMENDMENT -WRITTEN	91237
Oct. 01, 2014	ASSIGNED TO EXAMINER	91237
Jul. 02, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 28, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: COGAN, BRITTNEY LORRAI

Law Office Assigned:

LAW OFFICE 114

File Location

Current Location: INTENT TO USE SECTION

Date in Location:

Jan. 20, 2015

Exhibit 2

Generated on:

This page was generated by TSDR on 2015-12-07 23:04:07 EST

Mark: WEMES

WEMES

US Serial Number: 86654939

Application Filing Date:

Jun. 08, 2015

Filed as TEAS RF: Yes

Currently TEAS RF:

Yes

Register:

Principal

Mark Type:

Trademark, Service Mark

Status:

Review prior to publication completed.

Status Date:

Nov. 02, 2015

Publication Date: Dec. 08, 2015

Mark Information

Mark Literal Elements:

WEMES

Standard Character Claim:

Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type:

4 - STANDARD CHARACTER MARK

Translation:

The wording "WEMES" has no meaning in a foreign language.

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For:

Software and downloadable software to enable users to integrate, edit, combine, modify, enhance, create and display text, graphics, images, photos, moving pictures, music, audio, video, audio-visual materials, and other multimedia content for posting, linking and sharing through electronic messaging and transmission via a global computer network, portable and wireless networks and various platforms across multiple forms of media; Software and downloadable software to enable users to integrate, edit, combine, modify, enhance, create and display text, graphics, images, photos, moving pictures, music, audio, video, audio-visual materials, and other multimedia content that can be stored on and accessed from cloud based systems or remote network servers via a global computer network, portable and wireless networks and various platforms across multiple forms of media; Downloadable software for the integration of text, graphics, images, photos, moving pictures, music, audio, video, audio-visual materials, and other multimedia content into an interactive delivery for multimedia applications; Software and downloadable software for mobile phones, tablet computers, mobile telecommunications devices, mobile digital devices, portable devices, personal communications devices, portable media players, handheld computers and hand-held electronic devices, to send and receive electronic messages, text, graphics, images, photos, moving pictures, music, audio, video, audio-video materials and other multimedia content via global communication networks, portable and wireless networks, and various platforms across multiple forms of media

International Class(es): 009 - Primary Class

U.S Class(es):

021, 023, 026, 036, 038

Class Status:

ACTIVE

Basis:

1(b)

For:

Providing an online non-downloadable searchable database of text, graphics, still images, photos, moving pictures, music, audio,

video, audio-visual materials, and other multimedia content in the fields of celebrities, news, film, politics, television, political events and affairs, sports, music, history, drama, nature and wildlife, fashion, artistic performances, beauty, science fiction and fantasy for embedding digital content into websites, social media, electronic communications, downloadable and non-downloadable digital content, electronic downloadable publications, and other digital media and design elements of others

International Class(es): 041 - Primary Class

U.S Class(es):

100, 101, 107

Class Status:

ACTIVE

Basis:

1(b)

For:

Providing online non-downloadable software, applications and tools to enable users to integrate, edit, combine, modify, enhance, create and display text, graphics, images, photos, moving pictures, music, audio, video, audio-visual materials, and other multimedia content for posting, linking and sharing through electronic messaging and transmission via a global computer network, portable and wireless networks and various platforms across multiple forms of media; Providing online non-downloadable software, applications and tools to enable users to integrate, edit, combine, modify, enhance, create and display text, graphics, images, photos, moving pictures, music, audio, video, audio-visual materials, and other multimedia content that can be stored on and accessed from cloud based systems or remote network servers via a global computer network, portable and wireless networks and various platforms across multiple forms of media; Providing online non-downloadable software for the integration of text, graphics, images, photos, moving pictures, music, audio, video, audio-visual materials, and other multimedia content into an interactive delivery for multimedia applications

International Class(es): 042 - Primary Class

U.S Class(es):

100, 101

Class Status:

ACTIVE

Basis:

1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name:

WeMash, Inc.

Owner Address:

#602
11271 Ventura Blvd.
Studio City, CALIFORNIA 91604
UNITED STATES

Legal Entity Type: CORPORATION

**State or Country Where
Organized:**

DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Michelle A. Cooke

Docket Number:

48455-030

**Attorney Primary Email
Address:** mcooke@manatt.com

**Attorney Email
Authorized:**

Yes

Correspondent

**Correspondent
Name/Address:**

MICHELLE A. COOKE
Manatt Phelps & Phillips Llp
11355 W Olympic Blvd
Los Angeles, CALIFORNIA 90064-1631

UNITED STATES

Phone: (310) 312-4208

Fax:

(310) 996-6942

Correspondent e-mail: mcooke@manatt.com
patrademarks@manatt.com

Correspondent e-mail
Authorized:

Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 18, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Nov. 02, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Oct. 30, 2015	ASSIGNED TO LIE	77312
Sep. 24, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 23, 2015	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 23, 2015	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 23, 2015	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 23, 2015	EXAMINERS AMENDMENT -WRITTEN	91162
Sep. 17, 2015	ASSIGNED TO EXAMINER	91162
Jun. 11, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 11, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: CUCCIAS, MATTHEW JAMES

Law Office Assigned:

LAW OFFICE 116

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location:

Nov. 02, 2015

Exhibit 3

Generated on:

This page was generated by TSDR on 2015-12-07 23:04:42 EST

Mark: WEMESH

WEMESH

US Serial Number: 86271330

May 05, 2014

Application Filing Date:

US Registration Number: 4757374

Jun. 16, 2015

Registration Date:

Register:

Principal

Mark Type:

Trademark

Status:

Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date:

Jun. 16, 2015

Publication Date: Sep. 23, 2014

Notice of Allowance Date:

Nov. 18, 2014

Mark Information

Mark Literal Elements:

WEMESH

Standard Character Claim:

Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type:

4 - STANDARD CHARACTER MARK

Related Properties Information

**International Registration
Number:**

1254981

**International
Application(s)
/Registration(s) Based on
this Property:**

A0047792/1254981

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For:

Downloadable mobile software applications for synchronizing multimedia content with audio and text communication; Computer software for synchronizing content between mobile devices

International Class(es): 009 - Primary Class

U.S Class(es):

021, 023, 026, 036, 038

Class Status:

ACTIVE

Basis:

1(a)

First Use: Jan. 10, 2015

Use in Commerce:

Jan. 10, 2015

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name:

WEMESH Inc.

Owner Address:

340 Brookview Court
Ancaster L9G4C2
CANADA

Legal Entity Type: CORPORATION

**State or Country Where
Organized:**

CANADA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lorelei G. Graham

Docket Number:

55911262-3US

**Attorney Primary Email
Address:** loirelei.graham@nortonrosefulbright.com

**Attorney Email
Authorized:**

Yes

Correspondent

**Correspondent
Name/Address:**

LORELEI G. GRAHAM
NORTON ROSE FULBRIGHT CANADA LLP
RESEARCH PARK CENTRE, 150 RESEARCH LANE
SUITE 205
GUELPH N1G4T2
CANADA

Phone: 416-202-6739

Fax:

416-216-3930

Correspondent e-mail: loirelei.graham@nortonrosefulbright.com devon.pe-ttenuzzo@nortonrosefulbright.com

**Correspondent e-mail
Authorized:**

Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 16, 2015	REGISTERED-PRINCIPAL REGISTER	
May 12, 2015	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
May 11, 2015	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Apr. 17, 2015	STATEMENT OF USE PROCESSING COMPLETE	66530
Mar. 12, 2015	USE AMENDMENT FILED	66530
Apr. 14, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Mar. 12, 2015	TEAS STATEMENT OF USE RECEIVED	
Mar. 12, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 18, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 23, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 23, 2014	PUBLISHED FOR OPPOSITION	
Sep. 03, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Aug. 19, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	

Aug. 19, 2014 ASSIGNED TO EXAMINER
May 16, 2014 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM

81853

TM Staff and Location Information

TM Staff Information - None
File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location:

May 11, 2015